Presented

App. F. IX-4

Previous References

Wg 258 – 28 1 2

1933.
(Mazrai)

File No. 258 – 33

Serial Nos. 1-2

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for July 34.

SUBJECT.

New application praying for a reconsideration of the order passed in the assumption of the management of the Sri Varadaraja temple at Basavapatna Shimoga Taluk by Govt to Mr K. T Bhashyam Iyengar Advocate.

WD 01965—GPB—15,000—7-7-34 8-7-34

Intimating that the petition referred to above is rejected

Mug. Revision Pet^n No. 30 of 33-4

General and Revenue Secretariat | File No. Mug 83 I 85 of 1933-4 | [App. F. III—2

Serial No.

1 Petition of 30 S. 34 filed by Mr. B Bhashyam Iyengar Advocate for Halappa residing in Basavapatna Channagiri Taluk Shimoga District praying for a revision of G.O. No. 1908-9/Mug 288-28-29 dt 21.3.1929 sanctioning the assumption of the management of Sri Durgamma temple at Basavapatna Channagiri Taluk by Government.

(1) The petition is insufficiently Stamped. Certified copy of the order sought to be revised is not appended. There is a delay of nearly 5 years in preferring the revision application. The reasons assigned by the petitioner for the delay explained in para 5 of the P.A.D.

(2) It is for you whether the revision petition should be admitted & records called for or whether both a report may be called for.

1376 (Mug 15 B) The order of which sought to be revised is dated 21-3-29. This petition is submitted over 5 years after the order was passed. The petition is belated & may perhaps be rejected.

Even on merits there is no case — the petitioner urged in the petition.

16/6/34

16/6

2nd Mov

OFFICE OF THE SECOND MEMBER OF COUNCIL. 19 JUNE 1934 No. 6600

NOTE—Contn. Sheet

WD 0434—GPB—15,000—12-10-33

2/6

2/2/6

File No. 285 of 1933.

General and Revenue Secretariat

Serial No.

TYPING SECTION. 27. JUN. 1934 GENL & R... SECTT.

Recd
Issued 26/6

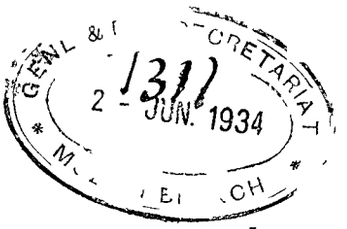
No 8 Dy 3.7.34 to Mr K. P. Shashagiri Rao 2 Legislative Advocate Bangalore intimating that the petition filed by him is rejected.

Memo no 9 Dy 3.7.34 to the Inspector Commissioner forwarding for information Copy of the above letter.

Memo no 10 Dy 3.7.34 to Mr Kalappa - Bhavaprabha Village Channagiri Taluk - Shimoga District forwarding Copy of above letter.

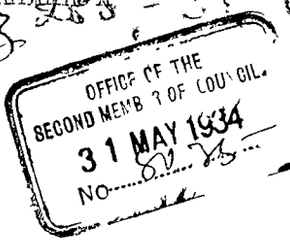
B 20.7.34

3



T UP S 285-P[illegible]

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA
OF MYSORE, BANGALORE.



: Muzrai Rev. Ptn: No.2[illegible] of 33-34.

PETITIONER:

Halappa son of Halappa, aged about 25 years, residing in Basavapatna, Chennagiri Taluk, Shimoga District.

The petitioner abovenamed most humbly and respectfully prays that the order of Government in G.O. No. 1908-9/Muz: 288-28-2 dated 21-3-1929 sanctioning the proposal of the Muzrai Commissioner to take over the management of the Sree Durgamma Temple at Basavapatna be reviewed and set aside for the reasons set forth hereunder:

FACTS OF THE CASE.

The petitioner's ancestors got the Sree Durgamma idol made and were worshiping it as their family deity. The family had been suffering for long and after they made this idol and began to worship it the family became healthy and happy. The sanctity and importance of the idol grew and many of the neighbours who had afflictions or sorrows came and worshipped the idol. As many of them got the better for it, the popularity of and the belief in the idol grew wider and deeper. People used to come to petitioner's dwelling and with the permission of his ancestors offer worship or prayer to the idol and make some payments. The petitioner's ancestors used to receive all the payments and mostly utilise the same in making jewels for the idol, performing utsavas etc.

Petitioner's father before him and now the petitioner himself have been doing the same thing, and this has been the history of the temple ever since its inception.

3 On 31-3-1934 the ~~Karaba~~ Basavapatna Shekdar, the Patel, Shanbogue and Police Inspector came to petitioner's house and asked him to hand over all the jewels ~~on~~ and the idol ~~and~~ to them. On petitioner's protest they said they had orders of Government in their behalf. The petitioner on enquiry learnt of the order and has now sought to review it.

4 It appears that the Patel Palappa and one Bista Jois who are on inimical terms with the petitioner complained that the temple was a public institution and that petitioner was collecting public charities and mismenaging the institution. Thereupon the Sub Division Officer passed an order recomending that the temple might be taken under Government management. He did not consider how far he could interfere with a private temple of a family deity nor is it true that there was mismanagement. Anyway he passed an order which was successively approved by the Deputy Commissioner, Inzrai Commissioner and the Government. All along, the importance of the main point about the nature of the institution - whether a private or a public one - has been overlooked.

5 Hence the present petition - seeking review of the order. Petitioner had no knowledge of the proceedings before the Government and he came to know of the order only on 31-3-1934 when the Patel brought the Shekdar and others to carry away the idol along with all the jewels etc. belonging to it.

6 Petitioner also learns that notices have been

have been issued calling upon him to vacate possession of the houses one in which he was living and the other in which he had kept the idol, claiming them as belonging to the temple. Thus petitioner is sought to be chased out of his ancestral house in the name of the very idol who he and his ancestors have been worshipping.

Petitioner has, therefore, come up at the earliest opportunity after coming to know of the order and prays that the order may be reviewed and set aside on the following among other:

GROUNDS OF REVIEW.

1. That the temple belongs to the petitioner and is not a public institution within the meaning of the Religious and Charitable Endowments Regulation.

2. That the temple is not merely non-muzrai but also a purely private institution and not liable to be wrested from the petitioner, who is the sole and exclusive owner of the institution.

3. That the petitioner is not merely the pujari but also the owner of the temple.

4. That these aspects of the case have not been properly considered by the subordinate officers who have all along assumed their right to take over the management.

5. That the petitioner had no notice of the proceedings before Government and learns that the Patel - the opposite party - has got a share made that petitioner refused service.

6. That no proper enquiry has been made regarding the management alleged.

7. That there was no mismanagement whatever and the allegations in that behalf are fraudulently set up by the Patel and his henchmen who are inimically disposed towards petitioner.

8. That the order of the Government operates as a miscarriage of justice. an innocent worshipper of his family deity being deprived of his deity and its belongings.

9. That the injustice of the present order will be apparent when Government enquire into the ownership of the temple and find that it vested in the petitioner.

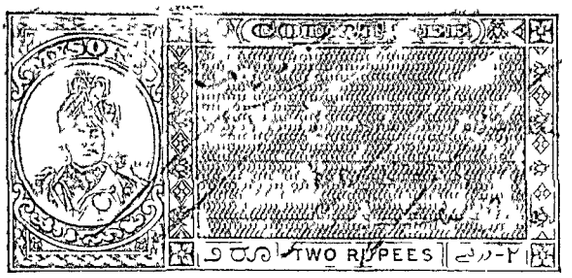
10. That the order of Government is otherwise unjust and inequitable.

The petitioner, therefore, most humbly and respectfully prays that the order of Government may be reviewed and a proper enquiry directed to be made regarding the nature and ownership of the temple.

The petitioner, further most humbly prays that pending disposal of this petition further proceedings may be stayed and petitioner given back the idol and its belongings for puja on such terms as may be deemed necessary and proper.

Bangalore,
30th May 1934.

Advocate for Petitioner.



Before the ಕೋರ್ಟ್‌ನಲ್ಲಿ
the Hon'ble

ಬೆಂಗಳೂರು

19 ೨೧--19 ೨೨ ನೇ Hon ನಂಬರು

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್ ಪ್ರತಿವಾದಿ ಯಾ ಅಪೊನೆಂಟ್

Halatha

Vs

ಮಾ|| ರಾ|| ಕೆ. ಟಿ. ಭಾಷ್ಯಂಅಯ್ಯಂಗಾರ್, ಬಿ. ಎ., ಬಿ. ಎಲ್., ಮತ್ತು
ಎಂ. ಶೇಷಾದ್ರಿ, ಬಿ. ಎ , ಎಲ್.ಎಲ್. ಬಿ. ಅಡ್ವೊಕೇಟ್ಸ್‌ರವರಿಗೆ ಲುಸಿದ್ದು
ಯು, ಎ ಹೆ ಚ್. ಸಿದ್ದಯ್ಯ ಬಿ-ಎ; ಎಲ್.ಎಲ್.ಬಿ ಪ್ಲೀಡರ್ ಬೆಂಗಳೂರು ಇವರಾ.
... ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ

ಈ ನೊಣದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ವರವಾಗಿ ಆಖೈರುವರೆಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ನಡೆಸುವುದಕ್ಕೂ ನನ್ನ ವರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ ಜಾರೀಕ್ರಮ ನಡೆಸಿ ಹಣ ವಸೂಲುನಾಡಿ ಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು, ಪ್ರೋಸೆಸ್ ಸ್ಯಾಂವು, ದಾವಾನ್ಯಾಂವು ಸಹ ವಡೆಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನ ವಾವನು ವಡೆಯಲಿಕ್ಕೂ. ಮೇಲ್ಕಂಡ ಕೇಸಿನಲ್ಲಿ ರಾಜಿ ವಗೈರೆ ಮಾಡಿಕೊಳ್ಳಲ್ಲಿಕ್ಕೂ ಮೊಖದ್ದಮೆಯನ್ನು ವಾವನ್ ವಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿಧೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡೆಯಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನೂ ನಾನು ಖುದ್ದು ಇದ್ದ ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇರುತ್ತೇನೆ.

ತಾರೀಖು ರುಜು ಲಘುಬರಹ ಕಾಲಲ್ಲಿ ಸಹಿ ಮಾಡಿದ್ದು

ಈ ನೊಕ್ಕ್ಯಾರುನಾವ್ಮಸ್ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರಾಗ್ಗಿ ಸಮುಕ್ಷ್ಯಮ್ಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.
H Siddayya
ಅಡ್ವೊಕೇಟ್, Advocate
27/5/34
ಯಜಮ್ಮಾ ಅಂಡ್ ಸನ್ಸ್, ಬೆಂಗಳೂರು ಸಿಟಿ.

ನೊಕ್ಕ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇಧೇನೆ.
H Siddayya
ಅಡ್ವೋಕೇಟ್ಸ್

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSOR

General and Revenue Secretariat

No. 8 Dated, Bangalore, 1st July 193..

From Mwz 285-33-2 3rd

The Financial Secretary to the Government of His Highness, the Maharaja of Mysore. 8

To

Mr. K.T. Bhashyam Iyengar, B. A., B. L.,
Advocate, Bangalore.

Sir,
Dear Sir,

With reference to petition dated 30th May 1934 filed by you on behalf of one Malappa Reddiar in Banavapatna-Channagiri Taluk praying for a revision of Govt. order No. 1908-9/Mis.286-33-2 dated 31st March 1933 directing the taking over by Government of the management of Sri Durgamma temple at Banavapatna, I am directed to inform you that the petition is rejected as Government see no reason to modify the orders already passed in the matter.

Yours faithfully,

for Financial Secretary to Govt.

9-3

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SUBJECT .....

.....

.....

Section

File No. 285-33

Serial No. 2

Diary No. of letter replied to .....

No. 8

To

Mr K. T. Bhashyam Iyengar
BA BL
Advocate Bangalore

General and Revenue Secretariat

( )

the *193* .

Date of issue . 3/7/34

Signed by Muddukrishnappa

Dear Sir,

extract
related by
you on behalf of our
Valmiki residing in
Basavapatna - Channagiri
taluk
q.g.o no 1908-9/Mis
288-28-2 dt 21.3.1929
Orders Sri Durgamma
temple at Basavapatna
be taken over

List of enclosures ... .

Copied by ..... the taking over by Govt. of the Management

Examined by ....

~~Acknowledge Copy~~

I am directed to inform the petition is rejected as you have / Gone see no reason to modify in any thereof passed in the matter further the season has been / extended

Yours faithfully

Sd/-

10/2 3-7-34
to Mr Halappa - Basavapatna
Village Channagiri Tk. Shimoga Dt

B.O

Sd/-

~~for~~ Asst

3-7-34

Sd/- to M.C. for information

Sd/-